UNITED STATES DISTRICT COURT WESTERN DISTRICT OF VIRGINIA Lynchburg Division

JERRY FALWELL, JR., INDIVIDUALLY AND IN HIS CAPACITY AS BENEFICIARY OF THE DR. JERRY L. FALWELL FAMILY TRUST,

Plaintiff,

v.

LIBERTY UNIVERSITY; JERRY PREVO; and JONATHAN P. FALWELL,

Defendants.

Case No. 6:23-cv-00040-NKM

NOTICE – STATUS UPDATE

Plaintiff, Jerry L. Falwell, Jr. ("Mr. Falwell" or "Plaintiff"), by counsel, hereby files this Notice – Status Update, pursuant to the Magistrate Judge's Order entered October 25, 2023 (ECF 34), to inform the Court that, given the parties' respective schedules and in order to work through remaining issues, the parties are still working to complete the Rule 26(f) Discovery Plan and anticipate filing no later than Friday November 10, 2023. The parties will provide notice to the Court of any further information the Court deems necessary.

Dated: November 8, 2023 Respectfully submitted,

JERRY L. FALWELL, JR.

/s/ Robert N. Drewry

Counsel

Vernon E. Inge, Jr (VSB No. 32699) Robert N. Drewry (VSB No. 91282) WHITEFORD, TAYLOR & PRESTON L.L.P. Two James Center 1021 E. Cary Street, Suite 1700 Richmond, Virginia 23219

Telephone: (804) 977-3300 Facsimile: (804) 977-3299

E-Mail: vinge@whitefordlaw.com E-Mail: rdrewry@whitefordlaw.com

Counsel for Plaintiff, Jerry L. Falwell, Jr.

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of November, 2023, I electronically filed the foregoing *Notice – Status Update* with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

David Jeffrey Ervin, Esq.
CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004
E-Mail: dervin@crowell.com

Andrew J. Avsec, Esq.
CROWELL & MORING LLP
455 N. Cityfront Plaza Drive, Suite 3600
Chicago, Illinois 60611
E-Mail: aavsec@crowell.com

King Fitchett Tower, Esq.
WOODS ROGERS VANDEVENTER BLACK PLC
10 South Jefferson Street, Suite 1800
Post Office Box 14125
Roanoke, Virginia 24011
E-Mail: King.Tower@wrvblaw.com

Counsel for Defendants, Liberty University and Jerry Prevo

Robert A. Ziogas, Esq. Lori D. Thompson, Esq. Carter R. Brothers, Esq. SPILMAN THOMAS & BATTLE PLLC 310 First Street, Suite 1100 Roanoke, Virginia 24011

E-Mail: rziogas@spilmanlaw.com

<u>lthompson@spilmanlaw.com</u> <u>cbrothers@spilmanlaw.com</u>

Counsel for Defendant, Jonathan P. Falwell

/s/ Robert N. Drewry
Robert N. Drewry